



Newsletter of the European Forum for Restorative Justice

Editorial

As the end of the year is coming near, we are happy to present this special issue of the newsletter. Indeed, this issue of the newsletter is almost entirely devoted to the third AGIS project of the European Forum. In a first article by Clara Casado and Jolien Willemsens you will read about this new AGIS project. From the first activity organised in the context of this project, the 2006 Barcelona conference, we bring you a text by Lode Walgrave based on his plenary presentation at the conference. In this text, Lode Walgrave tries to capture the core elements of restorative justice. Restorative justice has indeed become a buzz word. Practices that are not really restorative are being placed under the heading of restorative justice because it is almost fashionable to be linked to restorative justice. Empirical research should contribute to evaluating whether practices are truly restorative. However, this is not self-evident.

In the short news items, you will read about some interesting new developments within

the European Forum and the European restorative justice scene.

This newsletter also includes a report of the final conference of COST Action A21 on "Restorative justice developments in Europe" and a report about a seminar organised recently in Helsinki on networking between governmental officials in the field of restorative justice.

Eleonore Lind and Lottie Wahlin bring you an overview of the development of victim-offender mediation in Sweden and Borbala Fellegi gives an account of some new developments in Hungary.

We would like to thank Robert Shaw, who has acted as English editor for this newsletter. If you have any information that you would like to publish in the newsletter, please do not hesitate to contact the coordinator, Ms Vira Zemlyanska.

Merry Christmas and a very happy 2007!

Jolien Willemsens
Member of the Editorial Board

Third AGIS project awarded to the European Forum

The European Forum for Restorative Justice has been awarded a third project under the AGIS programme of the European Commission. This project, which runs from June 2006 until the end of May 2008, has been entitled "Restorative justice: an agenda for Europe".

The Forum's first and second AGIS project

The Forum's first AGIS project ran from December 2003 until February 2004 and resulted in two very concrete instruments: recommendations on the training of mediators on the one hand, and training modules on restorative justice for legal practitioners on the other hand. The second AGIS project ran from 1 December 2003 until 31 November 2005 and dealt with meeting the challenges of introducing victim-offender me-

diation in Central and Eastern Europe. Full reports of both projects can be found on the Forum's website: www.euforumrj.org.

Restorative justice: an agenda for Europe

Since the 1980s, the restorative justice movement in Europe has already come a long way. Restorative justice initiatives are operating or being initiated in most European countries. However, the implementation and development follow a very different rhythm in every country.

When looking at the restorative justice map, one can see that the Southern European region is still lagging behind in comparison to the rest of Europe. Several factors could be at the basis of this asymmetrical development, for example the existing legal culture that is very legalistic. And, although im-

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The European Forum wishes
you Merry Christmas and
Happy New Year!!!

portant steps were taken in Spain and Italy, and more recently in Portugal, there is a considerable need to intensify the exchange of knowledge and experiences with the rest of Europe in order to close this gap.

By focusing on this last area of Europe where the implementation of restorative justice is less developed, another question arises, namely: what is the role of the European Union in the further development of restorative justice? There is a need for a comparative analysis amongst the 25 Member States about whether the European Union has to regulate any further in the field of restorative justice. Indeed, because restorative justice is a newly developing field, there are common needs and questions with which all countries are confronted. Which cases are appropriate for mediation? What is the position of mediation services vis-à-vis the criminal justice system? How does the mediation process relate to the criminal justice procedure? How should the need for legal safeguards be met? What are the criteria for training and supervision of (volunteer) mediators? How to improve the cooperation between mediation services and judges, prosecutors and lawyers? Most countries are currently working on these issues in relative isolation, sometimes replicating the efforts of people in neighbouring countries. It would probably be more efficient to devise common instruments and to adapt them to national or even local circumstances. However, does this domain belong to the field of competence of the European Union? And if so, what should be regulated, by which instruments and what should be the basic principles?

The objectives of the project

The general objective of the project is to realise, on the one hand, an effective support to the development of restorative justice in the south of Europe, and, on the other hand, to research what could be the potential role of the European Union in the further development of restorative justice in the whole of the European Union.

The specific objectives are:

- a) to provide effective support to the development of restorative justice in Southern European countries by:
 - studying, at the legal-conceptual and practical level, the possibilities for implementing restorative justice in Southern European countries;
 - discussing how the experience in the rest of Europe can inform and support the development of restorative justice in Southern Europe;
 - preparing strategies for promoting the development of an integrated policy concerning restorative justice in Southern Europe;
 - actively working towards creating dynamics for exchange and cooperation (networking) between

Southern European countries in this field;

- discussing what countries in the rest of Europe can learn from the developments in criminal justice in Southern Europe.
- b) to identify whether there is a need for further regulation about restorative justice at the level of the EU by:
 - analysing the existing legislation on the national level in all EU Member States;
 - making an overview of the existing international regulations;
 - exploring the main needs at national level which could have implications for EU policies;
 - studying whether these needs require specific regulation or other initiative at the level of the EU;
 - studying whether there is a legal basis and whether it is opportune to actually regulate these issues at the level of the EU;
 - if so, discussing the concrete forms, instruments and the content of the EU policies that are required.

The instruments of the project

For the part of the project focusing on Southern Europe, a core group has been composed of representatives of the organisations that were partners in introducing the project: Citoyens et Justice from France, F. Kremmydas-Ph. Doris & Associates Law Firm from Greece, Don Calabria Institute and the Juvenile Justice Department of the Ministry of Justice from Italy, Victim Support from Malta, Victim Support from Portugal, Bilgi University from Turkey, Suggnomé from Belgium, and the Centre for Legal Studies, the Fundación de la Universidad de la Rioja, and the Secretaria de Serveis Penitenciaris i Justícia Juvenile from Spain. The members of this core group are expected to contribute in an active way to the realisation of the general and specific objectives of the project, and to orient and support the project through coherent actions. They will function as a bridge to relevant agencies and authorities in their own country to support the dynamics created within the project.

For the part of the project focusing on EU policies, a steering group, consisting of the project supervisor (Prof. Dr. Ivo Aertsen) and representatives of three partners (Cardiff Law School, Max-Planck-Institute and ERA), will support and evaluate the work of the researcher.

In terms of staff, three people will be working on this AGIS project. Jolien Willemsens (jolien@euforumrj.org) is the project coordinator and takes care of the research on EU policies. Clara Casado (clara@euforumrj.org) is the project officer responsible for the part dealing with Southern Europe.

Leni Sannen (leni@euforumrj.org) is the project assistant and will support the two others in their work. The first two are working on a full-time basis. Leni has a 60% contract.

The project step by step

The project started with the organisation of the conference in Barcelona in June 2006.¹ This conference helped to identify the main needs regarding restorative justice in Europe on the one hand, and some challenges faced in Southern European countries as regards the implementation of restorative justice on the other hand. The web-based publication of the Barcelona proceedings can be found on the website of the European Forum: www.euforumrj.org.

On 13 December 2006, the steering group on EU policies met in Helsinki in order to draw up a plan for the research work.

The core group on Southern Europe is having its first meeting on 25-27 January 2007 in Bordeaux. This meeting will serve to 1) make the state of affairs of restorative justice developments in Southern Europe, and 2) identify and explore the main challenges and

positive factors for introducing restorative justice in Southern Europe.

On 10-12 May 2007 a seminar will be organised in Lisbon. This seminar, which will be preceded by the Forum's Annual General Meeting (10 May 2007 from 10.00 till 13.00) will serve mainly to find concrete solutions to the challenges faced in Southern Europe. Policy makers and legal practitioners will be invited to work together with mediation practitioners and service providers to tackle the main problems.

From 29 November till 1 December 2007, the core and steering groups will meet in Trier (Germany) to build further on the results of the Lisbon seminar.

Finally, on 17-19 April 2008, a final conference will be organised in Rome to present the conclusions of the project. This conference will coincide with the Forum's biennial conference, so please mark the dates in your agendas already!

Clara Casado (clara@euforumrj.org) and Jolien Willemsens (jolien@euforumrj.org)

1. At that time it was not clear yet that the European Commission would fund the AGIS project.

Restorative justice - From ethical philosophy to empirical assessment

Restorative justice is obviously an attractive concept. So called restorative justice practices are being implemented far beyond the field of criminalised matters, such as in school discipline, neighbourhood conflicts, or peacemaking and peacebuilding. However, it needs very different actions and even different expertise, for example, to bring a victim and an offender of a burglary together to find a constructive solution which is satisfying for both protagonists, to set up meetings with representatives of population groups as a pathway towards reconciliation after a period of systematic mutual violence and gross violation of human rights, or to try and find a peaceful way of living together in a conflict-ridden neighbourhood. And still, these practices all are called 'restorative justice'. What is common to them?

It is the set of values and beliefs which is driving them. Restorative justice is more than a series of techniques. It is a philosophy which may penetrate different actions in different degrees. "Restorative justice is a compass, not a map"¹. Without the philosophy, only techniques remain. Mediation, for example, without the restorative justice philosophy is a simple technique, and an easy means of coercion. It can be used and misused in many different contexts, for many different purposes.

A set of values and beliefs

Let me try to summarise the essentials of the set of

values and beliefs driving restorative justice.

- Restorative justice advocates are focused on the quality of social life as the central value of social behaviour. This quality is considered independent from - not necessarily contradictory to - legal order and the existing social order.
- It is believed that the quality of social life depends most of all on the motivation and the commitment of all those taking part in social life. It is, in Putnam's words, the social capital which is the lubricant to make democracies work.²
- It is believed also that, if adequate conditions are met, the great majority of people are willing and capable of finding constructive solutions to all kinds of conflicts between them through deliberation.
- An offence, a conflict or an injustice are seen first of all as threats or infringements to the quality of social life at the level of the individual victim, of interpersonal relations, of the community and of the social order (insofar it frames the quality of social life).
- The response to offences, conflicts or injustices is sought above all through deliberative processes including all those with a stake in the aftermath of the offences, conflicts or injustices just mentioned.

Not all the issues in this list are the monopoly of restorative justice. The first three statements are shared by many other movements and practices. They are

inspired, enlightened and guided by several social philosophies and theories like communitarianism or the republican theory. The broader dissemination expresses a social ethical movement driven by what I have called a kind of communitarian social ethics, based on respect, solidarity and taking active responsibility³.

Confusion about restorative justice

The obvious attractiveness of the restorative justice rhetorics has given raise to thoughtless expansion and misuses of the notion. “The literature of restorativeness needs not yet greater enthusiasm but more reflection”⁴. Governments isolate some practices from the restorative philosophy, but keep calling them restorative justice because it is fashionable. Treatment promoters use restorative justice as a buzz word to get their programmes funded. Restorative justice is sometimes used to indicate proactive pedagogical practices, prevention initiatives, even ‘states of mind’. It is an unfortunate development.

Paradoxically, filling up a notion with too many different things is emptying it of meaning. The strength and refreshing appeal of a concept is best preserved by clarity and definition. Some admirable, constructive practices deserve intensive support, because they help to create a social climate which is favourable to the quality of social life. It is very worthwhile that, for example, schools teach children to resolve their conflicts through respectful deliberation. But they are not necessarily restorative justice. Based on the broader philosophy I just mentioned, a better, stricter definition must try and make clear what restorative justice is and also what it is not.

REstorative justice is by definition REactive. It is a response to an event.⁵ It is meant to REstore justice (in the broad sense of the word) after the commitment of an injustice. The blurring of the restorative justice notion is due to the way it is defined. Mainstream literature in restorative justice characterizes it basically through its deliberative process: “The essence of restorative justice is not the end, but the means by which resolution is achieved”⁶. Restorative justice advocates promote informal voluntary settlements as crucial for achieving restoration maximally. The communicative potentials of mediation and family group conferences, for example, indeed favour the authentic assessment of the harm suffered and may more easily lead to a genuine agreement on how it can be reasonably repaired or compensated.

Restorative justice is an outcome based concept

Nevertheless, restorative justice cannot be reduced to such process, for two reasons. First, a process cannot be defined and valued without referring to the purpose

it is undertaken for. The process is valued not because of the deliberation on its own, but because of the outcomes it helps to achieve. A deliberative process is more ‘restorative’ because the expressions of remorse, compassion, apology and forgiveness which it facilitates, may readily yield feelings of being respected, of peace and of satisfaction. These feelings are outcomes, even if they are not explicitly written down in the resulting agreement.

Secondly, restricting restorative justice to voluntary deliberations would limit its scope drastically⁷, and doom it to stay at the margins of the system, as a way of diversion. The mainstream response to crime would remain being coercive and punitive. The gate keeping criminal justice system would probably refer only a selection of the less serious cases to deliberative restorative processes. Victims of serious crimes who need restoration the most would be excluded from it. Moreover, giving up the principled priority for restoration would hand over a category of citizens to punitive prejudice, including its problems.

It is this too exclusive focus on the deliberative process which has provoked the confusing extension of the restorative justice notion towards other forms of deliberation which do not lead to reparation.

That is why restorative justice must be understood first of all through its reparative goal. I have defined it as “an option on doing justice after the occurrence of an offence which is primarily oriented towards repairing the individual, relational and social harm that is caused by that offence”⁸. The processes are tools only to achieve reparation, though very important ones. Deliberative processes hold the highest potential, but if voluntary agreements cannot be accomplished, coercive obligations in pursuit of (partial) reparation must be encompassed in the restorative justice model. Possible examples of such obligations are formal restitution or compensation, a fine or doing work for the benefit of a victims’ fund, or community service. Such sanctions, of course, do not achieve completely the potential of the restorative paradigm, but restorative justice is not a simple black and white option. It can be achieved in different degrees⁹.

The option to pursue reparation or even more comprehensive restoration after the occurrence of a crime is based on a social ethical vision. I believe in restorative justice, first of all, because I simply think it is more just and more socially constructive to respond primarily to the harm and suffering of the victims and to the social problems caused by a crime, rather than to be obsessed by the wish to punish the offender.

Feasibility questions

But is this actually feasible? We need more than a

pep talk. Nice ideas may appear to be beautiful naïve dreams only, or may generate awful practices. Do the practices based on the restorative justice options actually achieve what they seem to promise? Reliable answers to this question can only be found by cautious and systematic scrutiny of the practices, based on adequate scientific methodology. The social ethical option for restorative justice must be complemented by systematic self critical assessment of what is achieved in reality.

“Empirical research on restorative practices is a mile wide, but only an inch deep”, Paul McCold wrote.¹⁰ There is a lot of research available, but it does not generally fulfill sufficiently scientific standards, so that the credibility of the outcomes is doubtful. Currently, we can document vaguely that restorative justice does mostly work well in practice for the great majority of the participants. We do not know enough, however, about the nuances and conditions. When does restorative practice work and when not, for whom, for what exact purposes, dependent on what variables?

Which practice?

A first question is what exact practice we investigate empirically? Many evaluation projects are focused on one peculiar practice in a specific context carried out with a certain type of problem, but do not limit their conclusions. If you investigate police led conferencing only, you cannot draw conclusions for restorative justice in general, not even for conferencing in general. Conferencing according to the New Zealand version in family group conferencing is a quite different practice from conferencing in the Real Justice model.¹¹ The Real Justice version is almost exclusively used for rather benign offences committed by first time offenders, and its applicability for serious recidivists has not been demonstrated, as has been done with family group conference New Zealand style. As in other practices, you also find among mediators and conference facilitators brilliant performers, and bunglers. This variation in talent and in technical adequacy can influence the results more than the intrinsic value of the conference or mediation does. Restorative practices in a context with very cooperative police and justice officials may yield results which are considerably different from those achieved in practices working in a sceptical, resistant context.

This is why all empirical projects must describe extensively the type of restorative practice evaluated, the referral system, the preparation of the meeting, the way in which the meeting was monitored, etc. because this description will contain lots of indications for possible successes or failures. Its clear limitation to what has actually been done will enhance the cred-

ibility of the conclusion.

What outcomes?

The second series of questions concerns the outcomes. But they can only be defined if the objectives are defined clearly. What are the goals of the restorative practice? How do we measure them? The answers range from material restitution or compensation to complete peace, reconciliation and reintegration. Many variations and graduations exist between both extremes. One of the most researched outcomes is ‘satisfaction’ in participants. The satisfaction measured is probably relative. Participants after a restorative meeting are presumably not entirely happy. But they may feel that, after all, it was less bad than they feared. Moreover, satisfaction in fact is a contained concept which may hide a great variety of good feelings about the way the facilitator acted, the respect experienced, the apologies felt to be honest, the procedural justice, the comprehensiveness of the agreement and many other aspects. And still, what shall we conclude if the victim is very satisfied, but the offender totally disillusioned, or vice versa?

And what is the status of reoffending research? Restorative justice is about repairing the harm, and, if that is taken seriously, the offender’s reoffending can only be a secondary objective. One might even consider reoffending rates as irrelevant for restorative practices, as long as the victims do feel restored. From that standpoint, reoffending might be a secondary concern only, because we are aware that more reoffending after restorative practices would be detrimental for their public acceptability. Measuring reoffending would then be a check only to be sure that it is not worse than after a traditional punishment.

Another major problem here is comparability. It is not enough to conclude that participants are in general satisfied after a restorative process; the question is whether their satisfaction is higher than after a traditional procedure. How can you assess that? Are victims more satisfied because they could voluntarily choose restorative practice, while the others could not? Or is it really the intrinsic quality of the restorative process itself?

The outcome measurement is still more complicated according to time and to stakeholders. Immediately after the meeting, participants may feel differently from what they experience later, when the agreement has been carried out or not. Over the longer term, victims may recover totally from their victimisation or continue to suffer negative consequences. Offenders may be very positively motivated after the meeting, but slide back into their earlier life style later, or reintegrate completely. What would the impact be on

public security, and on community life in general if restorative responses were used predominantly and systematically.

Conclusion

Evaluating the impact of any intervention is one of the most difficult undertakings in the empirical social sciences, and so it is for evaluating restorative practices. But it is crucial to continue trying it in the best possible way.

It is crucial for three reasons:

- It is necessary to avoid restorative justice becoming only a system of beliefs and convictions. Social ethical convictions are very important drives for restorative actions and systems, but they risk turning into a kind of religious sect if they are not complemented by self critical assessment about the practical feasibility.
- It helps to find out the (provisional) limits and to improve practice. Systematic empirical evaluation, if well done, in fact holds a mirror for the practitioners, so that they can see what goes well and what not, under what circumstances, why and when. Based on these findings, corrections can be made (and evaluated again).
- It is a crucial argument to gain credibility with judicial and political authorities and with the public. Accurate and systematic evaluations show the seriousness of the restorative work undertaken, and deliver knowledge about why and when to implement restorative justice.

Prof. Dr. Lode Walgrave, Prof. Em. K.U.Leuven, Belgium

Prof. Dr. Walgrave was the closing plenary speaker at the Barcelona conference of the European Forum in June 2006

Final conference of COST Action A21

On 22-24 November 2006, the final conference of the COST Action A21, "Restorative Justice Research in Europe: Outcomes and Challenges" was organised in Warsaw, Poland. This event, which was organised in collaboration with the Polish Society of Criminology, meant to present the findings and conclusions of COST Action A21, a research network created in 2002 with the objective of "enhancing and deepening the knowledge on theoretical and practical aspects of restorative justice in Europe aiming to support implementation strategies in a scientifically sound way" (for more information about COST Action A21, please visit the website of the European Forum: www.euforumrj.org). The conference was attended by 94 people from across Europe and beyond.

On the first day, the conference was opened by Prof. Dr. Krzysztof Krajewski, from the Polish Society of Criminology. Prof. Dr. Ivo Aertsen introduced

1. H. Zehr (2002), *The Little Book of Restorative Justice*, Inter-course (PA): Good Books, p. 10.
2. R. Putnam (1993), *Making Democracy Work. Civic Traditions in Modern Italy*, Princeton (NJ): Princeton University Press.
3. L. Walgrave (2003), Imposing Restoration instead of Inflicting Pain: Reflections on the Judicial Reaction to Crime. In A. von Hirsch, J. Roberts, A. Bottoms, K. Roach and M. Schiff (eds.), *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms*, Oxford: Hart, 61-78.
4. A. von Hirsch (1998), Penal Theories. In M. Tonry (ed.) *The Handbook of Crime and Punishment*, New York/Oxford: Oxford University Press: 659-82, p. 676.
5. G. Johnstone (2002), *Restorative Justice. Ideas, Values, Debates*, Cullompton (UK): Willan Publishing.
6. P. McCold (2004), Paradigm muddle: the threat to restorative justice posed by its merger with community justice. *Contemporary Justice Review*, 7 (1): 13-35, p. 15.
7. J. Dignan (2002), Restorative justice and the law: the case for an integrated, systemic approach. In L. Walgrave (ed.), *Restorative Justice and the Law*, Cullompton (UK): Willan Publishing, 168-190.
8. L. Walgrave (2004), Restoration in youth justice. In M. Tonry and A. Doob (eds.), *Youth Crime and Youth Justice. Comparative and Cross-national Perspectives*, Chicago: University of Chicago Press, Crime and Justice, Vol. 31, 543-597, p. 552.
9. D. Van Ness (2002), The shape of things to come: a framework for thinking about a restorative justice system. In E. Weitekamp and H.J. Kerner (eds.), *Restorative Justice: Theoretical Foundations*, Cullompton (UK): Willan Publishing, 1-20.
10. P. McCold (2003), A Survey of Assessment Research on Mediation and Conferencing. In L. Walgrave (ed.), *Repositioning Restorative Justice*, Cullompton (UK): Willan Publishing: 67-117, p. 106.
11. I. Vanfraechem (2006), *Herstelgericht Groepoverleg. Op zoek naar een constructief antwoord op ernstige jeugddelinquentie*, Ph.D. Criminology, K.U.Leuven.

COST Action A21. Ms Veronica Beneitez Pinero of the European Commission presented the 7th framework programme, which is the new funding scheme of the European Commission for scientific research. Dr. David Gronbaek of the COST Office explained the COST Framework and funding opportunities of the European Science Foundation. Prof. Dr. Doina Balahur closed the day by presenting the conference programme.

The first part of the second day was devoted to the work of Working Group 1 of the COST Action, which dealt with evaluative research. The results of the work were presented and discussed. A general conclusion was that there is a need to intensify the evaluation of services in all European countries. This needs to happen in a critical perspective by, amongst other things, being aware of the multiple factors that may influence the results. Prof. Dr. Joanna Shapland raised

a number of outstanding questions for evaluative research in this field.

In the afternoon of day two, Dr. Michael Kilchling presented the work of Working Group 2 on policy-oriented research. In the workshops different aspects of this type of research were dealt with. Prof. Dr. Gerry Johnstone formulated some comments on the work that had been done in the framework of the COST Action. On the third day, the morning sessions were devoted to Working Group 3 on theoretical research. Workshop papers dealt with restorative justice and society, restorative justice and the law, the internal dynamics of restorative justice and related theoretical issues. Prof. Dr. Hans-Jürgen Kerner developed some open questions in relation to restorative justice theory.

In the afternoon some interesting presentations were made on the topic of restorative justice, violent conflicts and mass victimization, the subject of Working Group 4. These focused mainly on transforming conflicts in Africa, Kosovo and Israel. Dr. Laura Stovel was invited to reflect on the work done. In the closing plenary some perspectives for further cooperation were explored.

Although this was the last event organised in the framework of the COST Action, the work is far from finished since a number of publications are still being prepared. Nine articles resulting from Working Group 1 will be published in a special issue of an interna-

tional scientific journal. Working Group 2 will publish a book on the comparative analysis of legislation concerning restorative justice in different countries. Working Group 3 is preparing a book on restorative justice theory and the research of Working Group 4 will result in a book on the applicability of restorative justice to large scale violent conflicts. Finally, a book is foreseen containing a selection of the papers presented at the final conference, and some other papers resulting from four years of research.

During the conference many participants voiced the hope that they would be able to continue the work started under the COST Action. The balance of the four years was undoubtedly positive as the main goals had been achieved. It also proved to be an enriching experience at a personal level. The Action has prompted the need for some members to undertake specific research during the four years, or to establish collaboration with other members of different countries to start research projects. An example of this is the project on national data recording systems which has been introduced to the European Science Foundation for funding. The European Forum will closely follow not only the books that are being prepared, but also any new research projects that will arise.

Clara Casado (clara@euforumrj.org) and Jolien Willemsens (jolien@euforumrj.org)

Readers' Corner

- *Handbook of Restorative Justice*, by Gerry Johnstone and Daniel W. Van Ness eds.) (2006). This book provides a comprehensive and authoritative account and analysis of restorative justice (RJ). It consists of seven parts, dealing with: the idea of RJ; the roots of RJ; restorative processes, outcomes and stakeholders; RJ in social context; evaluation and RJ; the global appeal of RJ; and the future of RJ. The handbook is available from Willan Publishing, www.willanpublishing.co.uk.
- *Special edition of Les Cahiers de la Justice, 'Justice 'restaurative' et victimes'* (spring 2006). This semestrial journal of the French National Schools for Magistrates provides an introduction to restorative justice, which is still a quite unknown concept in France. It includes contributions from French authors, but also from other European and non-European authors. The 'Cahiers' are available from Editions Dalloz, www3.dalloz.fr.
- *Handbook of Restorative Justice*, by Dennis Sullivan and Larry Tifft (eds.) (2006). This book consists of 38 chapters, divided into seven parts. The first part provides an overview of the evolution

of restorative justice (RJ). Part two focuses on the spiritual foundations of RJ. Part three and four discuss the needs and healing of victims. In part five RJ is looked at in the context of state violence and human rights violations. Part six critically evaluates RJ and some of its key concepts. The final part deals with the relationship between RJ and transformative justice. The handbook is available from Routledge: www.routledge.com.

- *Handbook on Restorative justice programmes*, by the United Nations Office on Drugs and Crime (2006). This book has been published in the Criminal Justice Handbook Series. It was developed to support countries in the implementation of the rule of law and the development of criminal justice reform. It contains seven sections. The first one reviews the main concepts involved, as well as the values and objectives of participatory and restorative justice. Section two deals with the use of restorative programmes, while section three focuses on the question of the normative framework for such programmes. The remaining sections deal with various aspects of the implementation of a successful restorative programme.

They deal respectively with programme design and implementation, programme operation and the mobilization of community assets, and programme evaluation issues and findings. The emphasis is on presenting information and referring to examples that will be useful in the development of new programmes in a variety of social, cultural and legal contexts. Available from the UN Office on Drugs and Crime, www.unodc.org.

- *New directions in restorative justice: issues, practice, evaluation*, by Elizabeth Elliott and Robert M. Gordon (eds.) (2006). This book addresses a number of key themes and developments in restorative justice, and is based on papers originally presented at the 6th International Conference on Restorative Justice in Vancouver. It is concerned with several new areas of practice within restorative justice, with sections on restorative justice and youth, aboriginal justice and restorative justice,

Newsflash

- The European Forum has been awarded a project by the European Commission on “Developing standards for assistance to victims of terrorism”. Amongst other things, the project will assess the possible role of restorative principles and practices in this issue. More information can be obtained from the Secretariat: info@euforumrj.org.
- The European Forum is providing consultancy in a project run by the Istanbul Bilgi University which aims to assist the implementation of victim-offender mediation in Turkey. More information can be obtained from the Secretariat: info@euforumrj.org.
- On 14 June 2006, the Committee of Ministers of the Council of Europe adopted Recommendation Rec(2006)8 on assistance to crime victims. Point 13 of the appendix to this recommendation refers to mediation. It mentions that: “13.1. Taking into account the potential benefits of mediation for victims, statutory agencies should, when dealing with victims, consider, where appropriate and available, the possibilities offered for mediation between the victim and the offender, in conformity with the Committee of Ministers’ Recommendation R (99) 19 on mediation in criminal matters. 13.2. The interests of victims should be fully and carefully considered when deciding upon and during a mediation process. Due consideration should be given not only to the potential benefits but also to the potential risks for the victim. 13.3. Where mediation is envisaged, states should support the adoption of clear standards to protect the interests

victimization and restorative justice, and evaluating restorative justice. Contributors to the book are drawn from leading experts in the field from the US, Europe, Canada, Australia and New Zealand. Available from Willan Publishing, www.willanpublishing.co.uk.

- *Meeting Together*, by Lois Graessle and George Gawlinski (2006). Most of us spend a considerable part of our time in meetings. However, meetings are sometimes frustrating because they are not run in an effective way. This book invites the readers to rethink how they conduct and participate in meetings. The authors take you step by step through the process of organising (for) an effective meeting. The stories, tips, guidelines, examples and wonderful illustrations make this book very easy to read. It leaves you feeling that each meeting can be an opportunity for transformation. Available from Meeting Together Press, www.meetingtogether.org

of victims. These should include the ability of the parties to give free consent, issues of confidentiality, access to independent advice, the possibility to withdraw from the process at any stage and the competence of mediators”.

- The new Belgian laws of 15 May 2006 and 13 June 2006 provide an important place for restorative justice in the reaction to juvenile crime. Mediation and family group conferencing should be considered as important tools for dealing with juvenile crime.
- The Centre for Justice and Reconciliation at Prison Fellowship International has announced that it will award the third International Prize for Restorative Justice in July 2007. Any person may nominate an organisation for the prize. Nominations may be submitted between 1 November 2006 and 31 March 2007 at pstokley@pfi.org.
- In the Netherlands, the nationwide implementation of victim-offender mediation has been announced by the Minister of Justice. Victim support will be responsible for offering each victim to communicate with his or her offender. A legal framework is being created.
- In 2007, Switzerland will stake a major step ahead in the implementation of mediation. The entry into force of a law on juvenile justice and the fact that changes are made to the criminal procedure for adults will mean that the possibility to go to mediation will become a reality throughout Switzerland.

Written by Lois Graessle and George Gawlinski
and produced together with Martin Farrell

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Calendar

- March 26-28, 2007, Nottingham (UK), Nacro's 17th Annual Youth Crime Conference "Getting together: How to achieve an integrated approach to youth justice practice". The overall focus of the conference will be on the integration of practice at a time of rapid development involving the increasing number of agencies that now contribute to youth justice matters. Details can be found at: www.nacro.org.uk.
- May 8-9, 2007, Bar Ilan University, Israel, International conference "Victimology and the Law". The aim of the conference is to present and discuss the legal, criminological, psychological and sociological aspects of victimology. The intended audience of the conference is researchers, students and all those who are engaged or interested in this field. Relevant abstracts can be submitted to the following address: vic.conference@gmail.com.
- **May 10, 2007, Lisbon (Portugal), Annual General Meeting of the European Forum for Restorative Justice. After the General Meeting, a seminar (until May 12) will be organised in the framework of the AGIS3 project. More information will be communicated as soon as possible on the website: www.euforumrj.org.**
- June 6-7, 2007, Washington D.C. (USA), "Conference on Family Group Decision Making", organised by the American Humane Association. For more information see: www.americanhumane.org.
- April 10-12, 2008, Belfast (Northern Ireland), European Mediation Conference. This date will be the 10th anniversary of the signing of the internationally mediated Good Friday Agreement in Belfast, which was a significant event in the Northern Ireland peace process. For more information email: vom@eircom.net.
- **April 17-19, 2008, Rome (Italy), Biennial conference of the European Forum for Restorative Justice. More information will be communicated as soon as possible on the website: www.euforumrj.org.**

Networking between governmental officials

On 11-12 December, a meeting was organised by the Finnish Ministries of Justice and of Social Affairs and Health under the Finnish Presidency of the European Union. In cold Helsinki, the seminar “Restorative justice and victim-offender mediation in Europe: Overcoming obstacles and strengthening of networking” attracted 97 civil servants, service providers, researchers and legal practitioners. This event was building further on the conclusions of the event that was organised in June in Vienna under the Austrian Presidency of the European Union (see European Forum newsletter vol. 7, issue 2 for a report of the Vienna seminar). In Vienna the need for increased networking between European governmental officials was made clear. Helsinki had as its main goal to take concrete steps in order to meet this need.

The seminar was opened by State Secretary Terttu Savolainen of the Ministry of Social Affairs and Health, and by Ministerial Adviser Aarne Kinnunen of the Ministry of Justice. Christa Pelikan and Borbala Fellegi then reflected on the Vienna seminar and on the agenda for Helsinki. Next, the group split up to participate in workshops dealing with social mediation for immigrant communities, research and evaluation in the field of restorative justice, and the position of the victims in mediation and cooperation with victim support agencies. After lunch workshops were organised on the training of mediators and service providers on the one hand, and the training of criminal justice practitioners on the other hand. Afterwards participants could visit two mediation offices. In the evening, the whole group was invited to attend a wonderful dinner offered by Permanent Secretary Kirsti Rissanen of the Ministry of Justice.

On the second day, Lode Walgrave gave a presentation on restorative justice and the legal framework,

and Claudia Baroni and Iilina Taneva presented the work of the UN and the Council of Europe in the field of restorative justice. The morning workshops were dealing with collaboration between government officials, service providers and legal professions, how to enhance public acceptance and support, and the needs of civil servants when implementing restorative justice. Just before lunch Jolien Willemsens presented the steps already taken in order to improve networking between governmental officials. Vicky De Souter explained which options there were for organising this networking effort.

After lunch, the different options were discussed in workshops and the conclusions of the different groups were presented in a plenary session. During a speech by a representative of the Finnish Ministry of Justice, a group of three people was asked to draw general conclusions on the basis of the discussions held in the workshops. These were then presented in a final plenary session.

The people present felt that a network of governmental officials in the field of restorative justice should: be flexible and informal, allow for creativity, be stable in terms of structure and funding, have some degree of independence, and be open to all European countries. Instead of creating yet another network, it was agreed to support the European Forum for Restorative Justice in its efforts to obtain structural funding from the European Union. Indeed, structural funding would allow the Forum to serve the group of civil servants in a better way. Different steps in this process were identified. The hope was expressed that the future Presidencies of the European Union would continue the process started in Vienna and furthered by Helsinki.

To be continued ...

Jolien Willemsens (jolien@euforumrj.org)

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One step forward towards the implementation of VOM in Hungary

On 4-6 October 2006 the Central Office of Justice (COJ) organised a three-day training course for the probation officers who will become the first penal mediators in Hungary. During the first day, representatives of the Ministry of Justice and the COJ provided the most recent information about the legislative and institutional background of the VOM service, planned to be introduced on 1 January 2007.

On the second day intensive small-group work was done. Participants had the chance to watch three films about mediation practice in England, Scotland and Belgium.¹ The main purpose of these films was not only to show restorative justice programmes operating abroad, but also to stimulate discussion about some of the underlying issues concerning the methodological, skill-related and ethical aspects of VOM. Following the lively debates, exciting games and thought-provoking comments, many participants said that these films were the very first time that they had been able to imagine what VOM might mean in reality. They had gained more confidence in themselves

and, despite the lack of experience in Hungary, many of them now felt ready to start the practice soon. The last day provided time to summarise the main conclusions of the previous days and to discuss what should be done in the field of promotion of VOM both locally as well as nationally.

During this process, as consultant of the COJ, I tried to give an overview of my experiences with restorative justice abroad. It was good to feel that, after being an 'external' observer in England, Belgium, USA and some Central and Eastern European countries for several years, finally I have become an 'internal' contributor to Hungarian developments.

Seeing all these enthusiastic and competent probation officers seeking further information on restorative justice, I have regained my belief that it was worthwhile to travel and study abroad in this field.

Borbala Fellegi, borbala@fellegi.hu

1. By the Restorative Justice Consortium, Sacro and Suggnomé. I would like to thank them once more for giving permission to use their valuable materials.

Victim-offender mediation in Sweden in the 21st century

Victim-offender mediation in Sweden is regulated by the Mediation Act (*Lagen om medling vid brott*), which came into effect on 1 July 2002. The Act constitutes a piece of framework legislation and covers mediation organised by the state or by municipalities. The Act is primarily focused on young offenders. According to the Act, the offence must first have been reported to the police, and the offender must have acknowledged his or her participation in the criminal event before mediation can be initiated. Participation in mediation is *always* voluntary for both parties. This is a necessary condition for a successful mediation meeting. Mediation does not constitute a penal sanction or an alternative to the regular justice system, but rather plays a complementary role. The prosecutor should consider the fact that mediation has taken place in relation to the prosecution of young offenders. The Swedish law states that the goal of mediation is to increase the offender's level of insight into the consequences of the offence, and to provide the victim with the opportunity to work through his or her experiences.

The state of mediation in Sweden today

The first mediation projects in Sweden were initiated at the end of the 1980s, but until the end of the 1990s, mediation was conducted on a limited scale only. A trial scheme was initiated in 1998 which provided financial support to develop victim-offender mediation work in approximately 30 projects across the country.

The trial scheme was directed by the National Council and was evaluated subsequent to the conclusion of the trial period.

Mediation is at present conducted in about 200 Swedish municipalities, covering over two-thirds of the national population. Mediation projects vary both organisationally and in terms of their size - from small, individual municipalities to collaborative projects organised at the regional level. The mediation projects involve different partners, such as the police, prosecutors, social services, other municipalities, schools and victim support agencies. Cases are usually forwarded to mediation projects by the police or the social services.

Of the cases initiated, 57% have been seen through to completion. In those cases where mediation is discontinued, this is usually because one of the parties changes his or her mind and does not wish to continue with the mediation process. The most common offence types in mediation cases are shoplifting, assault, vandalism and different forms of theft. Other common offence types include threatening behaviour, robberies from shops and muggings.

Most commonly, the cases involve one offender who has committed a crime against an individual victim. The majority of the offenders who have participated in mediation are between 14 and 17 years of age. Half belong to the group prioritised in this area by

the legislator, i.e. those aged 15 to 17. Two thirds are boys/men, and one third girls/women. The high proportion of females is in part associated with the large number of shoplifting offences. In approximately 40% of mediation cases, the victims have been private individuals. In the remaining cases, the victims were companies, shops and stores or other public establishments. The private individuals who were victimised were between 6 and 88 years. Slightly over half are male, for whom the offences are most commonly assault, harassment and threatening behaviour. Of the cases going to mediation, 40% have been concluded with some form of contractual agreement. The majority of these contracts relate to future behaviour, but contracts specifying financial compensation or work are also common. Contracts involving financial compensation most often relate to compensation for objects that have been destroyed or stolen.

The task of the National Council for Crime Prevention

The Government has commissioned the National Council for Crime Prevention (Brottsförebyggande rådet - Brå) to develop mediation activities in Sweden so that they are conducted to a high quality and will in time become available throughout the country. This task was assigned to the Council in 2003, and has since been renewed to cover 2004 to 2007. The National Council's task involves distributing financial support to municipalities to initiate or to develop existing mediation projects, to provide training for mediators and to assume responsibility for improvements in the methods and quality of mediation. The Government has to date devoted a total of 42 million SEK (approximately 4.5 million Euro) to this work.

Mediation in the future

Many municipalities are too small to be able to conduct a mediation project of their own. In order to produce a high-quality and effective mediation organisation, it would be appropriate for small municipalities to establish collaborations with one another. It is also important to find good, sustainable structures that are not dependent on a single individual to carry out this work. Police and prosecutors are very important for the establishment of mediation and it is therefore im-

portant to find functional ways of collaborating with these actors. The Mediation Act allows for the use of mediation in relation to the majority of offence types, although victimless crimes, sexual offences, and serious acts of violence against close relations are deemed to be less appropriate. Scientific studies show that the best results are produced in relation to offences where there is a victim who has personally been violated by the offence. This means that mediation projects should primarily be focused on offences of this kind. Those mediation projects that deal with a high proportion of shoplifting cases might instead consider a simplified form of mediation, something which certain of them are already practising today.

The contracts that are entered into are legally binding. This is true even in relation to verbal agreements. However, the issue of contracts is complicated and has been the subject of relatively little investigation. No proper guidelines have as yet been put in place in this area. If mediation takes place prior to court proceedings, it is important to find out whether the victim may be awarded damages by the courts. In such cases, consultation with the prosecutor is particularly important. Contracts relating to financial compensation are more appropriate in the case of offences that do not involve personal injuries. Mediation is confidential and is covered by the confidentiality legislation. There are no obstacles to the police providing information to mediation projects organised under the auspices of the social services, since the social services are an agency that the police, in accordance with Paragraph 3 of the Police Act, are to work particularly closely with.

Worth noting is that as from the 1st of January 2008, it is obligatory for all municipalities to be able to offer victim-offender mediation to all offenders under the age of 21. And the prosecutor has to consider whether mediation has taken place or if the offender is genuinely willing to partake in mediation, when prosecuting young offenders.

Eleonore Lind (eleonore.lind@telia.com) and Lottie Wahlin (lottie.wahlin@bra.se)
The National Council for Crime Prevention

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Secretariat: Hooverplein 10, 3000 Leuven, Belgium, Tel. +32 16 32 54 29, Fax +32 16 32 54 74, E-mail: info@euforumrj.org, Website: www.euforumrj.org.

Editorial board:

Co-ordinator: Vira Zemlyanska (Ukraine), E-mail: v_zemlyanska@yahoo.com

Members: IMartin Wright (UK), E-mail: m-w@dircon.co.uk; Jacques Faget (France), E-mail: faget@iep.u-bordeaux.fr; Anne Lemonne (Belgium), E-mail: anne.lemonne@just.fgov.be; Jolien Willemsens (Belgium), E-mail: jolien@euforumrj.org

Responsible editor: Ivo Aertsen, European Forum for Victim-Offender Mediation and Restorative Justice, Hooverplein 10, 3000 Leuven, Belgium.

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